MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

November 3, 2014

Vice President Mike Yoder called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese was present and Terry Rodino was absent. Others present were Sheriff Brad Rogers; Dawn Truex from the county auditor's office; Craig Buche from the county attorney's office; Tom Byers, County Administrator; and Audie Hostetler from Human Resources.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Allowance of Claims and Payroll Claims, as presented by the county auditor's office.

Jackie Meyers, County Treasurer, informed the Board that she sent out RFP's for a banking contract to three (3) banks, First Source Bank, First State Bank of Middlebury and Lake City Bank, who is our current bank. She received two (2) RFP's back and she is recommending staying with Lake City Bank as they are still going to give .49% interest. The service charge was less with First Source Bank but they require a post office box in South Bend that someone would have to drive over to get every day.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved accepting the RFP from Lake City Bank for the county's banking contract.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for $275,000 from the Northwest Gateway TIF District fund for right of way purchase and professional services for Corwin/Old US 20 intersection, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: October 17, 2014 DEPARTMENT Northwest Gateway (NAME) 4504-980 (NUMBER)

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
2 $235,000		Land - capital outlays	44100	Northwest Gateway	4504
3 $ 40,000		Appraisal for right-of-way	43090	Northwest Gateway	4504
3					
4					
5					
6					
7					
8					
TOTAL $ 275,000.00					

ORIGINAL AMOUNT Approp.	Unspent Request	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date
1								
2								
3								
4								
5								
6								
7								
8								
TOTAL $								

REASON FOR REQUEST

1)Right of Way acqusition and damages for Ash/Old US 20 road intersection widening. Need 250K - already appropriated 16K for ROW purchse. 2) Professional services for Corwin/Old US 20 intersection study, environmental assessment for several properties and appraisals for several properties all on Corwin/Old US 20.

Jeff Taylor, Manager of Transportation, presented the following additional appropriations and appropriation reductions.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle-Highway fund for $100,000 for road paving and maintenance.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle-Highway fund for $32,000 telephone service, equipment repairs and anti-icing equipment.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation request from the Major Bridge fund for $750,001for the Major Moves payment due for Six Span Bridge.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for $50,000 for engineering for CR 8 bike path and CR 38 engineering.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for $10,000 for payroll obligations.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for $177,081 for the December 2014 Major Moves interest payment for the CR 17 2 C.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Bridge fund for $35,000 for salary of a highway engineer.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction for $100,000 for a reduction of group insurance for employees.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Road Maintenance & Construction fund for $400,000 for road salt through the end of the year.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for $145,000 from the Cumulative Bridge fund for two (2) bridge projects.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway (NAME) 1176-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	100,000	141435	Poad Paving & Maint	44600	Motor Vehicle Highway	1176
2						
3						
4						
5						
6						
7						
8						
TOTAL	**100,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds requested to pave various roads. The funds requested are a result of cutting budget costs. There is a reduction submitted consistent with this appropriation request.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway 1176-204
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	2,000		Telephone	43140	Motor Vehicle Highway	1176
2	15,000		Equipment Repair	43590	Motor Vehicle Highway	1176
3	15,000		Anti icing equipment	44510	Motor Vehicle Highway	1176
4						
5						
6						
7						
8						
TOTAL	**32,000**					

ORIGINAL AMOUNT Approp. as of Date	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds for telephone service.
2. Funds for equipment repairs through the end of the year. 3. Funds requested for pre treating roads and bridges for anti incing/deicing.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Major Bridge 1171-980
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	630,788		Principal Major Moves Loan	46300	Major Bridge	1171
2	119,213		Interest Major Moves Loan	46600	Major Bridge	1171
3						
4						
5						
6						
7						
8						
TOTAL	**750,001**					

ORIGINAL AMOUNT Approp. Unspent as of Reques Date	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
	AMOUNT	DATE	YES	NO	Amount	Date
0				X		

REASON FOR REQUEST Major Moves Payment Due for Six Span Bridge

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway (NAME) 1112-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	20,000	141436	CR 8 Bike Path Engineering	44600	EDIT	1112
2	30,000	141437	CR 38 Engineering	44600	EDIT	1112
3						
4						
5						
6						
7						
8						
TOTAL	**50,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds required for additional engineering for CR 8 Bike Path.
2. Funds for continuing engineering on CR 38. Engineering is being done in house. Funds are for work such as surveying, drafting assistance, supplies related to engineering, and other costs associated with the design of the project.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway (NAME) 1176-201 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	10,000		FT Supvsrs & Other Admin Perso	41115	Motor Vehicle Highway	1176
2						
3						
4						
5						
6						
7						
8						
TOTAL	**10,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds required to meet payroll obligations through the end of the year due to additional hour compensation paid on construction projects.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT EDIT 1112-980
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	233,650		Principal Major Moves Loan	46300	EDIT	1112
2	43,431		Interest Major Moves Loan	46300	EDIT	1112
3						
4						
5						
6						
7						
8						
TOTAL	**277,081**					

	ORIGINAL AMOUNT Approp. Unspent as of Request Date	If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
		AMOUNT	DATE	YES	NO	Amount	Date
	0				X		

REASON FOR REQUEST December 2014 Major Moves interest payment, CR 17 2C

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway 1135-212
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	35,000		FT Professional	41120	Cumulative Bridge Fund	1135
2						
3						
4						
5						
6						
7						
8						
TOTAL	**35,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds needed for salary of Engineer hired last fall after 2014 budget was approved. Salary payment thus far have been made from transfer of funds.

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE: 10-21-14 DEPARTMENT Highway (NAME) 1176-204 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	100,000		Group Insurance	41310	Motor Vehicle Highway	1176
2						
3						
4						
5						
6						
7						
8						
TOTAL	**100,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. As a result of cutting payroll costs, this account can be reduced, and the proceeds will be requested in a separate additional appropriation request for more paving.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway 4901-980
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	400,000		Calcium Chloride/Salt	42255	Road Maint & Const	4901
2						
3						
4						
5						
6						
7						
8						
TOTAL	**400,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds needed for road salt through the end of the year.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 10-21-14 DEPARTMENT Highway (NAME) 1135-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	35,000	141433	Bridge 189 Construction	44600	Cumulative Bridge	1135
2	110,000	141434	Bridge 102 Design	44600	Cumulative Bridge	1135
3						
4						
5						
6						
7						
8						
TOTAL	**145,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds needed for Bridge 189 Construction. The amount is the 20% match required for Federal participation. Bridge 189 is located on CR 40 East of CR 43. 2. Funds required to design Bridge 102 (CR 35 North of CR 8). Bridge is Federally Funded and 80% of the design fees will be refunded.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Highway (NAME) 1169-222 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	150,000		Other Professional Services	43090	Local Road & Street	1169
2	25,000		Vehicle Repairs	43540	Local Road & Street	1169
3						
4						
5						
6						
7						
8						
TOTAL	**175,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds for various services from outside vendors including but not limited to snow plowing, towing, damaged mailboxes, road signs. 2. Funds needed to keep vehicles repaired and operable.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for $175,000 for professional services and vehicle repairs.

The above additional appropriations and appropriation reduction is as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for $2,750,000 from the Blight Elimination Program fund, as requested by Tom Byers, County Administrator. This is to purchase and demolish vacant/blighted residential structures. The county is not allowed to administer the program so LaCasa will be administering the program.

The additional appropriation is as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Blight Elimination Program 4924-980
Grant NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	2,750,000		Other Professional Services	43090	Blight Elimination Program	4924
2						
3						
4						
5						
6						
7						
8						
TOTAL	**2,750,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST The County has been awarded a grant from the State that can be used to purchase and demolish vacant/blighted residential structures. While the County is the grant recipient, LACASA will be administering the program. State requirements do not allow local government to administer the program or own the parcels once purchased.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDC grant fund for $125,000 to help pay for a rail spur that will serve Alliance Aluminum, as requested by Tom Byers, County Administrator. This is a pass through from the state & doesn't cost the county any money.

The additional appropriation is as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 10-21-14 DEPARTMENT Indiana Economic Development Corp Grant 4925-980 NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	125,000		Improvements Other than	44310	IEDC Grant	4925
2			Buildings			
3						
4						
5						
6						
7						
8						
TOTAL	**125,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST Funds represent a reimbursement from the IEDC Infrastructure Grant program to help pay for a rail spur that will serve Alliance Aluminum. Alliance Aluminum is responsible for all other costs. No county funds are being used for the project.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Weights & Measures report for September 16th-October 15th, 2014 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved paying for a brunch from the Project Income not to exceed $250 for the next Elkhart County Re-Entry Initiative meeting on November 13th and a breakfast for the CCAB meeting on December 19, 2014 not to exceed $500, as requested by Tara Boocher-Whaley, Executive Director of Community Corrections.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board appointed Tim Tahara to the Wage Committee for the Concord Schools.

David Krause, a member of the Coppergate Subdivision home owners association, asked the Board to consider a 20 MPH speed limit in their subdivision. There are a number of small children and the entrance road is a straight shot in. Mike Yoder asked the highway department to have an engineer do a traffic study on the area.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

November 10, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Dawn Truex from the county auditor's office; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract for snow plowing with Beer & Slabaugh, Inc. for the highway department, as requested by Jeff Taylor, Manager of Transportation. A copy of the contract is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Indiana Economic Development Corporation grant for $175,000 for installation of a rail spur for Great Lakes Forest Products, Inc., as requested by Tom Byers, County Administrator.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the 2015 County Commissioners meeting schedule.

The meeting schedule is as follows:

2015

ELKHART COUNTY BOARD OF COMMISSIONERS
MEETING SCHEDULE

JANUARY	5	Monday - **Regular**
	12	Monday - Adm/Claims
	20	Tuesday - **Regular**
	26	Monday - Adm/Claims
FEBRUARY	2	Monday - **Regular**
	9	Monday - Adm/Claims
	16	Monday - **Regular**
	23	Monday - Adm/Claims
MARCH	2	Monday - **Regular**
	9	Monday - Adm/Claims
	16	Monday - **Regular**
	23	Monday - Adm/Claims
	30	Monday – Adm/Claims
APRIL	6	Monday - **Regular**
	13	Monday - Adm/Claims
	20	Monday - **Regular**
	27	Monday - Adm/Claims
MAY	4	Monday - **Regular**
	11	Monday - Adm/Claims
	18	Monday - **Regular**
	26	Tuesday - Adm/Claims
JUNE	1	Monday - **Regular**
	8	Monday - Adm/Claims
	15	Monday - **Regular**
	22	Monday - Adm/Claims
	29	Monday – Adm/Claims
JULY	6	Monday - **Regular**
	13	Monday - Adm/Claims
	20	Monday - **Regular**
	27	Monday - Adm/Claims
AUGUST	3	Monday - **Regular**
	10	Monday - Adm/Claims
	17	Monday - **Regular**
	24	Monday - Adm/Claims
	31	Monday – Adm/Claims
SEPTEMBER	8	Tuesday - **Regular**
	14	Monday - Adm/Claims
	21	Monday - **Regular**
	28	Monday - Adm/Claims
OCTOBER	5	Monday - **Regular**
	12	Monday - Adm/Claims
	19	Monday - **Regular**
	26	Monday - Adm/Claims
NOVEMBER	2	Monday - **Regular**
	9	Monday - Adm/Claims
	16	Monday - **Regular**
	23	Monday - Adm/Claims
	30	Monday – Adm/Claims
DECEMBER	7	Monday - **Regular**
	14	Monday - Adm/Claims
	21	Monday - **Regular**
	28	Monday - Adm/Claims

All ***Regular*** meetings will be held on the first and third Mondays of each month except for holidays, at 9:00 a.m. in Room 104 of the County Administration Building, 117 North Second Street, Goshen, Indiana. These meetings are considered public, open door meetings.

All ***Administrative/Claims*** meetings will be held at 9:00 a.m. in the Commissioners office of the County Administration Building unless otherwise specified. These meetings are to work on administrative items and for approval of claims only. These meetings are also considered public, pen door meetings.

All agenda items must be in the Commissioners' Office no later than **noon** on the Wednesday before the meeting.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a letter to INDOT certifying that no additional right of way is required for the sign replacement project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a grant of permanent right of way from Richard Strefling for the CR 15 bike path project, as requested by Jeff Taylor, Manager of Transportation.

The Board accepted a maintenance bond from LaPorte Construction for the bridge #297 project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

November 17, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Dawn Truex from the county auditor's office; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the October 20th, 27th, November 3rd & 10th, 2014 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and the Payroll Claims, as presented by the county auditor's office.

Brian Mabry from planning and development presented a request for Outer Limits Enterprises, LLC, represented by Brads-Ko Engineering & Surveying, Inc., for a zone map change from A-1 to a DPUD-B-3 & DPUD-R-1 to be known as Wave Express DPUD located on the east side of US 33, 732 feet north of CR 40 in Elkhart Township. This is the site of the old McIntosh Nursery south of Goshen. The plan is to have a RV repair and transport facility, as well as, seasonal produce sales. This has been sent to the Commissioners with no recommendation from the Plan Commission. Mr. Mabry said the planning staff gave this request a positive recommendation and he read their analysis to the Commissioners.

Barry Pharis from Brads-Ko Engineering & Surveying, representing the petitioner, made a brief presentation of the planned development. The petitioners have several other storage sites that they transport RVs from. The single family residence at the far southwest corner of the property will remain and be remodeled, and the property will receive a new septic site. The existing well will be abandoned and a new one installed. An employee plans to live in the residence. The existing retail building will be remodeled and expanded and used as office area and for retail sales of RV and truck accessories. Another building will be used for a RV service center. Sweet Corn Charlie's has and will continue to set up a tent in the northwest corner of the west portion of the subject property during the season.

Mr. Pharis said the owners of Wave Express have operated the business since 2005, and the entire rear area of the property, which is surrounded by single family residences, will serve as a RV storage area. A six foot high berm was proposed along the north, east & south boundaries of the property but some of the plan commission members felt that was not high enough so the revised plan is an eight foot tall berm and the Arborvitae planted in the berm will be 6 feet tall. He stated there were concerns about traffic congestion but the INDOT analysis revealed that Wave Express will generate less traffic than did the nursery. Concern was raised about noise pollution and Mr. Pharis said diesel engines are much less noisy than they used to be. There will be no lighting over this acreage for storage. Mr. Pharis said his clients are taking significant steps to protect the neighbors' privacy and their investment. In summary he is requesting this rezoning be approved today.

Juan Machuca, 16314 Daisy Ave., Goshen, Indiana, distributed to the Commissioners a printout of a slide presentation. He is one of the neighbors opposed to this development. He is representing the James Place subdivision home owners and is wants to voice their concerns. Those concerns are traffic congestion due to factory traffic that flows throughout the day, increased noise pollution from gasoline and diesel engine noise; decrease in air quality from gravel dust and truck fumes; and the potential drop in property value regardless of the landscaping efforts. Also the potential for ground contaminants, potential for crime to increase, community safety and the hours of operation are concerns. They would prefer a subdivision be developed on this property instead of commercial.

Mr. Machuca added that if this is approved, he would like to propose that stipulations be placed on the property such as dust control, grass fertilized and mowed on a weekly basis, irrigation of the berm grass and trees, and if fences are built, they be maintained on a yearly basis and repaired when needed. The neighbors also would like to have reasonable operation hours of the business. He wants to be sure the developer builds an eight foot berm and also that there will not be any lights installed and would like that to be a part of the specifications in the ordinance.

Steve Bartow, 18200 CR 42, Goshen, Indiana is in favor of this rezoning request. He was in the trucking business for 50 years. He added that one of the biggest obstacles in the RV industry today is get their product distributed throughout the country. Mr. Bartow is also on the fair board and said they have many RV related show at the fairgrounds throughout the year and there are always requests as to where they can go to get their RV repaired.

There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

Barry Pharis responded to some of the comments from the remonstrators. As far as contamination of the wells in James Place, he feels their own septic systems are likely to cause more contamination than this development. Mr. Pharis also noted that the specifications on the ordinance are what the developers must adhere to and if there are any changes wanted, they must go back to the plan commission and the Commissioners for approval. He added that the developer does not want a fence. Mr. Rodino asked Mr. Pharis how soon the berms would be installed and he answered it would be constructed as soon as possible. Mr. Yoder said he feels the petitioners have gone a long way in meeting what the remonstrators have requested.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the rezoning request as presented and adopted the ordinance with the requirements to establish this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC2014-19

AN ODINANCE TO AMEND THE ELKHART COUNTY CODE 36-7-4-600 MORE SPECIFICALLY ARTICLE 2, DISTRICTS AND ZONE MAPS, FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AGRICULTURAL-1 (A-1) TO DETAILED PLANNED UNIT DEVELOPMENT B-3 (DPUD-B-3) & DETAILED PLANNED UNIT DEVELOPMENT R-1 (DPUD-R-1), TO BE KNOWN AS WAVE EXPRESS DPUD; AND BY CHANING THE ZONING MAPS INCORPORATED BY REFERENCE IN ARTICLE 2, DISTRICTS AND ZONE MAPS, OF THE ELKHART COUNTY ZONING ORDINANCE.

WHEREAS, Outer Limits Enterprises, LLC, represented by Brads-Ko Engineering and Surveying, Inc., submitted a petition to change the zone maps for the real estate described in SECTION 1 of this Ordinance from A-1 to DPUD-B-3 and DPUD-R-1 on September 2, 2014;

WHEREAS, The Technical Review Committee critiqued the petition as submitted and made those comments part of the file for consideration by the Elkhart County Advisory Plan Commission;

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission caused the publication of legal advertisements for the Plan Commission Public Hearing in **The Goshen News** and **The Elkhart Truth** on September 27 and September 28, 2014, respectively, and mailed as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission held a public hearing as provided by law on October 9, 2014 and took public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance; **And**

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart County with No Recommendation.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. That the legal description of the real estate attached hereto as Exhibit A is made part of this Ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **A-1** to **DPUD-B-3** and **DPUD-R-1** effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance be amended to reflect the rezoning of the real estate.

SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan / Support Drawing will supersede all otherwise applicable **Permitted Uses, Special Uses,** and **Development Standards** under the B-3 and R-1 zoning districts.

SECTION 4. That the Site Plan / Support Drawing attached hereto as Exhibit B is incorporated into this Ordinance by reference.

SECTION 5. That this Detailed Planned Unit Development limits the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 6. That the following provision applies to development on this property:

1. The arborvitae proposed on top of the berm along the north and east property lines must be a minimum of six feet tall at planting.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

ORDAINED AND ADOPTED THIS THE 24th DAY OF NOVEMBER, 2014, BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA.

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline E. Graff
Pauline E. Graff Auditor for Elkhart County

Ordinance prepared by Brian Mabry. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Attachment A
Legal Description

A PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MARKING THE NORTHWEST CORNER OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25; THENCE SOUTH 89 DEGREES 42 MINUTES 47 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 25, A DISTANCE OF 27.40 FEET TO THE CENTERLINE OF U.S. HIGHWAY NUMBER 33; THENCE SOUTH 00 DEGREES 19 MINUTES 35 SECONDS EAST, PARALLEL WITH THE WEST LINE OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 25, A DISTANCE OF 150.00 FEET TO A MAG NAIL; THENCE SOUTH 89 DEGREES 42 MINUTES 47 SECONDS EAST PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 25 AND ALONG THE SOUTH LINE OF A PARCEL OF LAND CONVEYED TO ANTHONY L. AND RUTH COLLIER AS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 0099-35196, A DISTANCE OF 363.00 FEET TO A REBAR WITH CAP STAMPED "BRADS-KO 0041" MARKING THE SOUTHEAST CORNER OF SAID COLLIER PARCEL; THENCE NORTH 00 DEGREES 19 MINUTES 35 SECONDS WEST ALONG THE EAST LINE OF SAID COLLIER PARCEL AND PARALLEL WITH THE WEST LINE OF THE SOUTH HALF (S 1/2) OF SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 149.45 FEET TO A REBAR WITH CAP STAMPED "BRADS-KO 0041" ON THE SOUTH LINE OF THE PLAT OF JAMES PLACE SECTION 6, A SUBDIVISION IN ELKHART TOWNSHIP; SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAT BOOK 27, PAGE 37; THENCE SOUTH 89 DEGREES 42 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID JAMES PLACE 6, A DISTANCE OF 741.56 FEET TO A REBAR WITH CAP STAMPED "PCB" MARKING THE NORTHWEST CORNER OF THE PLAT OF JAMES PLACE SECTION 7, A SUBDIVISION IN ELKHART TOWNSHIP; SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAT BOOK 28, PAGE 93; THENCE SOUTH 00 DEGREES 18 MINUTES 59 SECONDS EAST ALONG SAID WEST LINE OF JAMES PLACE SECTION 7, A DISTANCE OF 587.85 FEET TO 3/4 INCH REBAR MARKING THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO M. GREGG & NANCY L. McINTOSH AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT 2003-21177; THENCE NORTH 89 DEGREES 42 MINUTES 15 SECONDS WEST ALONG THE NORTH LINE OF SAID McINTOSH PARCEL, A DISTANCE OF 1,131.86 FEET TO A REBAR WITH CAP STAMPED "BRADS-KO 0041" ON THE WEST LINE OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 25; THENCE NORTH 00 DEGREES 19 MINUTES 35 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 588.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 14.027 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

Liz Gunden from planning and development presented a request for LCM Realty VII, LLC, represented by Marbach, Brady & Weaver, Inc., for a zoning map amendment (Rezoning) from M-1 PUD to M-1 located on the west side of CR 35, 1,100 feet north of US 20 in Middlebury Township. The Plan Commission has sent this to the Commissioners with a recommendation for approval. The purpose of this rezoning petition is to remove the obsolete PUD designation on the property and apply the base M-1 zoning district. Currently, as a PUD the subject property is nonconforming as it is not in compliance with the Zoning Ordinance as either a GPUD or DPUD. This request will allow the property owner to install a proposed driveway and make other improvements in the future without amending the Site Plan at a public hearing. Debra Hughes from Marbach, Brady & Weaver, Inc., representing the petitioner said she would answer any questions. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the rezoning request and adopted an ordinance establishing this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-20

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM M-1 PUD TO M-1.

WHEREAS, LCM Realty VII, LLC, represented by Marbach, Brady & Weaver, Inc., submitted an application to rezone real estate hereinafter described from M-1 PUD to M-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on October 9, 2014, recommend approval of a zone change from M-1 PUD to M-1 and filed their recommendation with the Board of County Commissioners of Elkhart County, Indiana.

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

Parts of the Southeast Quarter of Section 8, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Southeast corner of said Southwest Quarter; thence North 89 degrees 47 minutes 3 seconds West, 9.90 feet along the South line of said Southwest Quarter and U.S. Highway 20; thence North 0 degrees 0 minutes 14 seconds West, 935.13 feet to a rebar; thence South 83 degrees 12 minutes 41 seconds East, 9.97 feet to an iron pipe; thence North 0 degrees 30 minutes 28 seconds East, 43.98 feet to an iron pipe; thence South 89 degrees 18 minutes 10 seconds East, 593.78 feet to the place of beginning of this description; thence North 0 degrees 32 minutes 16 seconds East, 370.28 feet to an iron pipe; thence North 89 degrees 37 minutes 19 seconds East, 451.71 feet to a rebar marking the Northwest corner of Lot 1 in the recorded Plat of Shasta Minor (Plat Book 33, page 2); thence South 0 degrees 29 minutes 42 seconds West, 160 feet to a rebar marking the Southwest corner of said Lot 1; thence North 89 degrees 37 minutes 53 seconds East, 298 feet along the South line of said Lot, to the Southeast corner of said Plat; thence South 0 degrees 29 minutes 42 seconds West, 60 feet along the East line of the Southwest Quarter of the Southeast Quarter of said Section 8, and County Road 35; thence South 89 degrees 37 minutes 53 seconds West, 249.76 feet to an iron pipe; thence South 0 degrees 32 minutes 36 seconds West, 385.76 feet to a rebar; thence South 88 degrees 57 minutes 0 seconds West, 305.11 feet to a rebar; thence continuing South 88 degrees 57 minutes 0 seconds West, 111.05 feet; thence North 0 degrees 38 minutes 25 seconds East, 238.85 feet; thence North 89 degrees 18 minutes 10 seconds West, 84.54 feet to the place of beginning of this description.

Containing 6.68 Acres.

BE rezoned from M-1 PUD to M-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Zoning Ordinance of Elkhart County, Indiana as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 17TH DAY OF NOVEMBER, 2014.

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline E. Graff
Pauline Graff, Elkhart County Auditor

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Ord. # PC 2014-20

Jeff Taylor, Manager of Transportation, asked the Board to withdraw items A, B, D, E and F from the highway department's items on the agenda.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed an INDOT Assurance Letter for the Sign Replacement project and approved initial street acceptance of Challenger Drive-1,152 feet in Elkhart East Area "D"-Phase III and released Lake City Bank LOC No. 6177484-82 for $96,000 and Timber Court-475 feet; Timberstone Drive East-525 feet and Timberstone Drive South-225 feet in Timberstone Third DPUD and released Star Financial Bank LOC No. 16785547 for $79,613.00, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed the CR 8/CR 10 Path right of way certification letter to INDOT stating no additional right of way was required for this project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for October 2014 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the proposal from Christopher B. Burke Engineering, LLC to provide as-needed, ongoing support to the Greater Elkhart County MS4 Partnership at a not to exceed cost of $12,000, as requested by Tom Byers, County Administrator. A copy of the proposal is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

November 24, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Dawn Truex from the county auditor's office; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an independent contractor agreement with C & E Excavating, Inc. for snow plowing for the highway department, as requested by Jeff Taylor, Manager of Transportation. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen